

SENATE BILL 430

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2004 Regular Session  
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By: **Senators Conway, Britt, Currie, Della, Exum, Hughes, Jones, Kelley,  
Lawlah, and ~~McFadden~~ McFadden, and Gladden**

Introduced and read first time: February 5, 2004  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 22, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Higher Education - Morgan State University - Coordination and**  
3 **Governance**

4 FOR the purpose of authorizing the Maryland Higher Education Commission to  
5 review and comment on the operating and capital budgets of the Board of  
6 Regents of Morgan State University only within a certain context; prohibiting  
7 the Commission from recommending against a certain budget item except under  
8 certain circumstances; providing that the powers of the Board of Regents  
9 regarding the management of Morgan State University are subject to  
10 restrictions imposed by law if the law makes specific reference to the University;  
11 designating Morgan State University as a certain body, a certain  
12 instrumentality, a certain corporation, and a certain unit of State government;  
13 authorizing the University to exercise certain corporate powers, adopt a certain  
14 seal, maintain a certain office, enter certain contracts, acquire, hold, lease, use,  
15 encumber, transfer, exchange, or dispose of certain property, and borrow certain  
16 money; repealing a certain limitation on the number of positions that may be  
17 created; authorizing the Board of Regents to sue and be sued and to carry  
18 certain liability insurance; authorizing the Board of Regents to make a certain  
19 determination regarding certain insurance; providing for a certain application of  
20 the Maryland Tort Claims Act; providing for the construction of certain  
21 immunity of the University; exempting the University from a certain division of  
22 the State Finance and Procurement Article; requiring the Board of Regents to  
23 develop certain policies and procedures that govern certain procurements;  
24 requiring the Board of Regents to develop a certain information technology plan;  
25 authorizing the Board of Regents to establish, invest in, finance, and operate  
26 certain businesses or certain business entities under certain circumstances;  
27 clarifying a certain business entity; clarifying a certain financial obligation;

1 requiring the Board of Regents to submit a certain report; exempting the  
2 University from certain changes relating to information technology; requiring  
3 the University to include a certain list of certain expenditures for certain capital  
4 improvements; exempting the University from certain provisions relating to  
5 certain telecommunication systems or services; clarifying that the University is  
6 a unit of State government; exempting certain public improvements made by the  
7 University from the Capital Improvement Program; repealing a certain  
8 provision regarding a certain engineering question or a certain public  
9 improvement; removing a certain reference to a certain public improvement in a  
10 certain definition; repealing a certain reversion; requiring a certain  
11 procurement to comply with certain policies and procedures; requiring certain  
12 policies of the University to comply with certain provisions regarding the  
13 purchasing of supplies and services and to promote certain purposes; subjecting  
14 the University to certain provisions of a certain division of the State Finance  
15 and Procurement Article; specifying that the State Board of Contract Appeals  
16 has certain authority subject to certain conditions; exempting the University  
17 from a certain review of a certain contract for certain expenditures; subjecting a  
18 certain contract for certain expenditures to certain approval; specifying that  
19 certain procurement of supplies, services, and construction by the University is  
20 included in a certain subtitle; defining certain terms; requiring the publisher of  
21 the Annotated Code, in consultation with and subject to the approval of the  
22 Department of Legislative Services, to correct certain references; and generally  
23 relating to Morgan State University.

24 BY renumbering

25 Article - Education

26 Section 14-102(a) through (e) and 14-104(b) through (n), respectively  
27 to be Section 14-102(b) through (f) and 14-104(c) through (o), respectively

28 Annotated Code of Maryland

29 (2001 Replacement Volume and 2003 Supplement)

30 BY repealing

31 Article - State Finance and Procurement

32 Section 4-410

33 Annotated Code of Maryland

34 (2001 Replacement Volume and 2003 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article - Education

37 Section 11-105(i)(4) ~~and~~, 14-101, and 14-104(a)

38 Annotated Code of Maryland

39 (2001 Replacement Volume and 2003 Supplement)

40 BY repealing and reenacting, with amendments,

41 Article - Education

42 Section 14-104(g)(3)

1 Annotated Code of Maryland  
2 (2001 Replacement Volume and 2003 Supplement)  
3 (As enacted by Section 1 of this Act)

4 BY adding to  
5 Article - Education  
6 Section 14-102(a), 14-104(b) and (p), 14-109, and 14-110  
7 Annotated Code of Maryland  
8 (2001 Replacement Volume and 2003 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article - State Finance and Procurement  
11 Section 3-401, 3-602(c), 3-703(a), 4-401(d), 4-402(a), 4-406(a) and (b),  
12 5-7B-01(d)(1)(v), 7-306(a), 11-203(e), 12-202, and 14-202(a)  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That Section(s) 14-102(a) through (e) and 14-104(b) through (n),  
17 respectively, of Article - Education of the Annotated Code of Maryland be renumbered  
18 to be Section(s) 14-102(b) through (f) and 14-104(c) through (o), respectively.

19 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-410 of  
20 Article - State Finance and Procurement of the Annotated Code of Maryland be  
21 repealed.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:

24 **Article - Education**

25 11-105.

26 (i) (4) In submitting recommendations pursuant to paragraph (2) of this  
27 subsection, the Commission shall comment on the overall level of funding for higher  
28 education in order to achieve the goals established in the State Plan for Higher  
29 Education, and may comment regarding funding priorities among segments of higher  
30 education and, within public senior higher education, among institutions. In  
31 reviewing the various budgets and submitting recommendations thereon, the  
32 Commission:

33 (i) May not require, of any segment or institution, a detailed  
34 budget presentation that tends to duplicate other presentations required in the  
35 budget process;

36 (ii) As to the funding priority of any institution, may comment only  
37 on the entity as a whole and not on any separate unit of the institution; and

1 (iii) As to the operating and capital budgets of the Board of Regents  
2 of the University System of Maryland AND THE BOARD OF REGENTS OF MORGAN  
3 STATE UNIVERSITY:

4 1. May review and comment only within the broad context of  
5 the State Plan for Higher Education; and

6 2. May not recommend against a budget item approved by  
7 the Board of Regents unless the item is clearly inconsistent with the State Plan for  
8 Higher Education.

9 14-101.

10 (A) There is a Morgan State University, which:

11 (1) Has the responsibility, with other educational institutions, for  
12 providing higher education research and graduate study in the Baltimore area;

13 (2) Is the State's public urban university with a mission of instruction,  
14 research, and service;

15 (3) Offers baccalaureate and graduate degrees in the arts and sciences;

16 (4) Emphasizes an education addressing urban concerns; and

17 (5) Offers the professional and graduate programs approved by its Board  
18 of Regents and the Maryland Higher Education Commission.

19 (B) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (2) "BOARD OF REGENTS" MEANS THE BOARD OF REGENTS OF MORGAN  
22 STATE UNIVERSITY.

23 (3) "UNIVERSITY" MEANS MORGAN STATE UNIVERSITY.

24 14-102.

25 (A) (1) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS MORGAN  
26 STATE UNIVERSITY.

27 (2) THE UNIVERSITY IS AN INSTRUMENTALITY OF THE STATE AND A  
28 PUBLIC CORPORATION.

29 (3) THE UNIVERSITY IS AN INDEPENDENT UNIT OF STATE  
30 GOVERNMENT.

31 (4) THE EXERCISE BY THE UNIVERSITY OF THE POWERS CONFERRED BY  
32 THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

1 14-104.

2 (a) In addition to any other powers granted and duties imposed by this  
3 subtitle, and subject to the provisions of Title 11 of this article and any other  
4 restrictions [expressly] imposed by law BY SPECIFIC REFERENCE TO THE  
5 UNIVERSITY or by any trust agreement involving a pledge of property or money, the  
6 Board of Regents:

7 (1) Is responsible for the management of Morgan State University and  
8 has all the powers, rights, and privileges that go with that responsibility, including  
9 the powers and duties set forth in this section;

10 (2) May not be superseded in its authority by any other State agency or  
11 office in managing the affairs of Morgan State University; and

12 (3) Shall have all the powers of a Maryland corporation which are not  
13 [expressly] limited by law BY SPECIFIC REFERENCE TO THE UNIVERSITY.

14 (B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE,  
15 THE UNIVERSITY MAY:

16 (1) EXERCISE ALL THE CORPORATE POWERS GRANTED MARYLAND  
17 CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATION LAW;

18 (2) ADOPT AND ALTER AN OFFICIAL SEAL;

19 (3) MAINTAIN AN OFFICE AT THE PLACE THE BOARD OF REGENTS MAY  
20 DESIGNATE;

21 (4) ENTER INTO CONTRACTS OF ANY KIND, AND EXECUTE ALL  
22 INSTRUMENTS NECESSARY OR CONVENIENT WITH RESPECT TO ITS CARRYING OUT  
23 THE POWERS IN THIS SUBTITLE TO ACCOMPLISH THE PURPOSES OF THE  
24 UNIVERSITY;

25 (5) ACQUIRE, HOLD, LEASE, USE, ENCUMBER, TRANSFER, EXCHANGE, OR  
26 DISPOSE OF REAL AND PERSONAL PROPERTY; AND

27 (6) IN ADDITION TO THE POWERS SET FORTH IN TITLE 19 OF THIS  
28 ARTICLE AND SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS,  
29 BORROW MONEY FROM ANY SOURCE FOR ANY CORPORATE PURPOSE, INCLUDING  
30 WORKING CAPITAL FOR ITS OPERATIONS, RESERVE FUNDS OR INTEREST, AND  
31 MORTGAGE, PLEDGE, OR OTHERWISE ENCUMBER THE PROPERTY OR FUNDS OF THE  
32 UNIVERSITY, AND CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON IN  
33 CONNECTION WITH ANY FINANCING, INCLUDING FINANCIAL INSTITUTIONS,  
34 ISSUERS OF CREDIT, OR INSURERS.

35 (g) (3) (i) Notwithstanding any other provision of law, the Board of  
36 Regents may create any position to the extent that the cost of the position, including  
37 any fringe benefit costs, is funded from existing funds.

1                   (ii)     Nothing in this paragraph may be construed to require any  
2 additional State General Fund support.

3                   (iii)    By September 1 of each year, the Board shall submit an annual  
4 position accountability report to the Department of Budget and Management, the  
5 Department of Legislative Services, and the Maryland Higher Education Commission  
6 reporting the total positions created and the cost and the funding source for any  
7 positions created by the University in the previous fiscal year.

8                   [(iv)    The total number of positions authorized under this paragraph  
9 shall be limited as specified annually in the State budget bill.]

10       (P)       (1)     THE BOARD OF REGENTS:

11                   (I)     HAS THE POWER TO SUE OR BE SUED; AND

12                   (II)    MAY CARRY COMPREHENSIVE LIABILITY INSURANCE TO  
13 PROTECT THE BOARD OF REGENTS, ITS AGENTS, AND EMPLOYEES.

14                   (2)     THE DETERMINATION WHETHER TO PURCHASE INSURANCE, AND ITS  
15 SCOPE AND LIMITATIONS, SHALL BE WITHIN THE BOARD OF REGENTS' DISCRETION,  
16 TAKING INTO ACCOUNT COMMERCIAL AVAILABILITY AND AFFORDABILITY AND THE  
17 EXISTENCE AND EXTENT OF INSURANCE SECURED BY THE STATE TREASURER.

18                   (3)     (I)     TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE  
19 MARYLAND TORT CLAIMS ACT APPLIES TO CLAIMS OR ACTIONS AGAINST THE  
20 UNIVERSITY, THE BOARD OF REGENTS, AND EMPLOYEES OF THE UNIVERSITY.

21                   (II)    SUBJECT TO ALL EXCLUSIONS AND LIMITATIONS IN THAT  
22 SUBTITLE, THE IMMUNITY OF THE COLLEGE IS WAIVED TO THE EXTENT OF ANY  
23 INSURANCE COVERAGE PURCHASED UNDER THIS SUBSECTION.

24                   (4)     THIS SUBSECTION MAY NOT BE CONSTRUED TO WAIVE OR  
25 ABROGATE SOVEREIGN IMMUNITY WITH RESPECT TO ANY CLAIM THAT IS NOT  
26 COVERED BY OR EXCEEDS THE LIMITS OF AN INSURANCE POLICY.

27                   (5)     THIS SUBSECTION MAY NOT BE CONSTRUED TO WAIVE OR  
28 ABROGATE THE IMMUNITY OF THE UNIVERSITY UNDER THE ELEVENTH  
29 AMENDMENT TO THE UNITED STATES CONSTITUTION.

30 14-109.

31       (A)       (1)     EXCEPT AS PROVIDED IN § 11-203(E) OF THE STATE FINANCE AND  
32 PROCUREMENT ARTICLE, THE UNIVERSITY IS EXEMPT FROM DIVISION II OF THE  
33 STATE FINANCE AND PROCUREMENT ARTICLE.

34                   (2)     (I)     SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF PUBLIC  
35 WORKS AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW  
36 COMMITTEE OF THE GENERAL ASSEMBLY, THE BOARD OF REGENTS SHALL DEVELOP  
37 POLICIES AND PROCEDURES GOVERNING PROCUREMENTS BY THE UNIVERSITY.

1 (II) THE POLICIES AND PROCEDURES DEVELOPED UNDER  
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL PROMOTE THE PURPOSES OF THE  
3 STATE PROCUREMENT LAW AS SET FORTH IN § 11-201 OF THE STATE FINANCE AND  
4 PROCUREMENT ARTICLE.

5 (B) THE BOARD OF REGENTS SHALL DEVELOP AN INFORMATION  
6 TECHNOLOGY PLAN FOR THE UNIVERSITY THAT INCLUDES INFORMATION  
7 TECHNOLOGY POLICIES AND STANDARDS, INCLUDING POLICIES AND STANDARDS  
8 FOR INFORMATION MANAGEMENT AND TELECOMMUNICATION SYSTEMS, THAT ARE  
9 FUNCTIONALLY COMPATIBLE WITH THE STATE INFORMATION TECHNOLOGY PLAN  
10 ESTABLISHED UNDER TITLE 3, SUBTITLE 4 OF THE STATE FINANCE AND  
11 PROCUREMENT ARTICLE.

12 14-110.

13 (A) CONSISTENT WITH § 15-107 OF THIS ARTICLE AND ANY OTHER  
14 APPLICABLE LAW, THE BOARD OF REGENTS MAY ESTABLISH, INVEST IN, FINANCE,  
15 AND OPERATE BUSINESSES OR BUSINESS ENTITIES WHEN THE BOARD OF REGENTS  
16 FINDS THAT DOING SO WOULD FURTHER ONE OR MORE GOALS OF THE UNIVERSITY  
17 AND IS RELATED TO THE MISSION OF THE UNIVERSITY.

18 (B) (1) A BUSINESS ENTITY ESTABLISHED, INVESTED IN, FINANCED, OR  
19 OPERATED IN ACCORDANCE WITH THIS SUBSECTION MAY NOT BE CONSIDERED AN  
20 AGENCY OR INSTRUMENTALITY OF THE STATE OR A UNIT OF THE EXECUTIVE  
21 BRANCH FOR ANY PURPOSE; AND

22 (2) A FINANCIAL OBLIGATION OR LIABILITY OF A BUSINESS ENTITY  
23 ESTABLISHED, INVESTED IN, FINANCED, OR OPERATED IN ACCORDANCE WITH THIS  
24 SUBSECTION MAY NOT BE A DEBT OR OBLIGATION OF THE STATE OR THE  
25 UNIVERSITY.

26 (C) THE BOARD OF REGENTS SHALL SUBMIT TO THE GOVERNOR AND, IN  
27 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL  
28 ASSEMBLY, AN ANNUAL REPORT ON:

29 (1) THE BUSINESS ENTITIES ESTABLISHED IN ACCORDANCE WITH THIS  
30 SECTION;

31 (2) FUNDS INVESTED IN, AND FINANCING PROVIDED TO, BUSINESS  
32 ENTITIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION;

33 (3) OWNERSHIP INTERESTS IN ANY BUSINESS ENTITIES ESTABLISHED  
34 IN ACCORDANCE WITH THIS SECTION; AND

35 (4) THE CURRENT STATUS OF THE BUSINESS ENTITIES.

1 **Article - State Finance and Procurement**

2 3-401.

3 (a) This subtitle does not apply to changes relating to or the purchase, lease,  
4 or rental of information technology by:

5 (1) public institutions of higher education solely for academic or research  
6 purposes;

7 (2) the Maryland Port Administration;

8 (3) the University System of Maryland; [or]

9 (4) St. Mary's College of Maryland; OR

10 (5) MORGAN STATE UNIVERSITY.

11 (b) Notwithstanding any other provision of law, except as provided in  
12 subsection (a) of this section and §§ 3-403(c), 3-405(a)(2), 3-410.1, and 3-410.2 of this  
13 subtitle, this subtitle applies to all units of the Executive Branch of State government  
14 including public institutions of higher education other than MORGAN STATE  
15 UNIVERSITY, the University System of Maryland, and St. Mary's College of Maryland.  
16 3-602.

17 (c) Each request for a capital project by a unit of the State government,  
18 including the University System of Maryland AND MORGAN STATE UNIVERSITY, shall  
19 include a detailed list of all proposed expenditures for capital improvements to be  
20 funded from grants or nonbudgeted revenues.

21 3-703.

22 (a) The provisions of this subtitle may not apply to a telecommunication  
23 system or service that is owned or operated by the University System of Maryland,  
24 MORGAN STATE UNIVERSITY, or a unit of the Legislative or Judicial Branch.

25 4-401.

26 (d) "Public improvement" includes any construction, maintenance, or repair of  
27 any building, structure, or other public work:

28 (1) owned or constructed by the State or any unit of the State  
29 government, including the University System of Maryland AND MORGAN STATE  
30 UNIVERSITY; or

31 (2) acquired or constructed in whole or in part with State funds.

1 4-402.

2 (a) (1) Except as provided in § 4-409 of this subtitle, this subtitle does not  
3 apply to any public improvement made by:

4 (i) the Department of Transportation or a unit in that Department;

5 (ii) any housing authority created under Article 44A of the Code;

6 (iii) the Maryland-National Capital Park and Planning  
7 Commission;

8 (iv) the Washington Suburban Sanitary Commission;

9 (v) the Baltimore County Metropolitan District;

10 (vi) a county, municipal corporation, or unit of a county or municipal  
11 corporation; [or]

12 (vii) the University System of Maryland; OR

13 (VIII) MORGAN STATE UNIVERSITY.

14 (2) Except as provided in §§ [4-406, 4-410,] 4-406 and 4-410.1 of this  
15 subtitle or as otherwise provided by law, St. Mary's College of Maryland [and Morgan  
16 State University are] IS subject to the provisions of this subtitle.

17 4-406.

18 (a) (1) [Except as provided in paragraph (4) of this subsection, the] THE  
19 Department shall advise the Board of Public Works and any unit of the State  
20 government in connection with any engineering question or matter concerning a  
21 public improvement.

22 (2) The Department shall supervise any engineering question or matter  
23 concerning a public improvement.

24 (3) Any contract, plan, or specification for any public improvement that  
25 involves an engineering question:

26 (i) shall be submitted to the Department; and

27 (ii) is subject to the approval of the Department.

28 (4) [With respect to any engineering question or a matter concerning a  
29 public improvement, the Department shall advise Morgan State University in  
30 accordance with the provisions of § 4-410 of this subtitle.

31 (5)] At the request of the Board of Public Works, the Department shall  
32 advise the Board of Public Works on any contract that exceeds \$500,000 if the  
33 contract involves an engineering question or a matter concerning a public

1 improvement undertaken by the University System of Maryland OR MORGAN STATE  
2 UNIVERSITY.

3 (b) Except as provided in [ §§ 4-410 and 4-410.1 ] § 4-410.1 of this subtitle, the  
4 Department shall:

5 (1) represent the Board of Public Works at the opening of bids for a  
6 public improvement;

7 (2) tabulate and record the bids; and

8 (3) advise the Board of Public Works on the bids.

9 5-7B-01.

10 (d) (1) "Growth-related project" means only the items set forth below:

11 (v) except as provided in paragraph (2) of this subsection,  
12 procurement or funding of projects by the Department of General Services for:

13 1. leases of property by the State governed by §§ 4-318  
14 through 4-321 of this article;

15 2. public improvements governed by [ §§ 4-410 and 4-410.1 ]  
16 § 4-410.1 of this article; and

17 3. land acquisition governed by §§ 4-411 through 4-416 of  
18 this article.

19 7-306.

20 (a) This section applies only to [the following:

21 (1) Morgan State University; and

22 (2)] St. Mary's College of Maryland.

23 11-203.

24 (e) (1) [(i)] In this subsection [the following words have the meanings  
25 indicated.

26 (ii) "Board of Regents" means the Board of Regents of the  
27 University System of Maryland.

28 (iii) , "University" means the University System of Maryland OR  
29 MORGAN STATE UNIVERSITY.

30 (2) Except as otherwise provided in this subsection, this Division II does  
31 not apply to the University System of Maryland OR MORGAN STATE UNIVERSITY.

1 (3) (i) A procurement by [the] A University shall comply with the  
2 policies and procedures developed by the University and approved by the Board of  
3 Public Works and the Administrative, Executive, and Legislative Review Committee  
4 of the General Assembly in accordance with § 12-112 OF THE EDUCATION ARTICLE  
5 FOR THE UNIVERSITY SYSTEM OF MARYLAND OR § 14-109 of the Education Article  
6 FOR MORGAN STATE UNIVERSITY.

7 (ii) 1. Any contract for services or capital improvements with a  
8 value that exceeds \$500,000 shall require the review and approval of the Board of  
9 Public Works.

10 2. In its review of a contract for services or capital  
11 improvements with a value that exceeds \$500,000 the Board of Public Works may  
12 request the comments of the appropriate agencies, including the Department of  
13 Budget and Management and the Department of General Services.

14 (4) [The] A University's policies shall:

15 (i) to the maximum extent practicable, require the purchasing of  
16 supplies and services in accordance with Title 14, Subtitle 1 of this article; and

17 (ii) promote the purposes of the regulations adopted by the  
18 Department of General Services governing the procurement of architectural and  
19 engineering services.

20 (5) (i) Except as provided in paragraph (7) of this subsection, the  
21 following provisions of Division II of this article apply to [the] A University:

22 1. § 11-205 of this subtitle ("Fraud in procurement");

23 2. § 11-205.1 of this subtitle ("Falsification of material  
24 facts");

25 3. § 13-219 of this article ("Required clauses -  
26 Nondiscrimination clause");

27 4. § 13-225 of this article ("Retainage");

28 5. Title 14, Subtitle 3 of this article ("Minority Business  
29 Participation");

30 6. Title 15, Subtitle 1 of this article ("Procurement Contract  
31 Administration");

32 7. § 15-226 of this article ("Prompt payment of  
33 subcontractors"); and

34 8. Title 16 of this article ("Debarment of Contractors").

1 (ii) If a procurement violates the provisions of this subsection or  
2 policies adopted in accordance with this subsection, the procurement contract is void  
3 or voidable in accordance with the provisions of § 11-204 of this subtitle.

4 (6) (i) The State Board of Contract Appeals shall have authority over  
5 contract claims related to procurement contracts awarded by [the] A University  
6 before July 1, 1999.

7 (ii) At the election of the Board of Regents OF A UNIVERSITY and  
8 subject to the approval of the Board of Public Works, the State Board of Contract  
9 Appeals shall have authority over contract claims related to procurement contracts  
10 awarded by the University after June 30, 1999.

11 (7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

12 (i) procurement by [the] A University from:

13 1. another unit;

14 2. a political subdivision of the State;

15 3. an agency of a political subdivision of the State;

16 4. a government, including the government of another state,  
17 of the United States, or of another country;

18 5. an agency or political subdivision of a government; or

19 6. a bistate, multistate, bicounty, or multicounty  
20 governmental agency; or

21 (ii) procurement by [the] A University in support of enterprise  
22 activities for the purpose of:

23 1. direct resale;

24 2. remanufacture and subsequent resale; or

25 3. procurement by the University for overseas programs.

26 12-202.

27 (a) This section does not apply to capital expenditures by the Department of  
28 Transportation or the Maryland Transportation Authority, in connection with State  
29 roads, bridges, or highways.

30 (b) Before execution, a contract for a capital expenditure other than in  
31 connection with a State correctional facility, St. Mary's College of Maryland, MORGAN  
32 STATE UNIVERSITY, or the University System of Maryland shall be:

33 (1) reviewed by the Secretary of General Services; and

1 (2) except as provided in § 12-203 of this subtitle and § 13-108 of this  
2 article, after that review, approved by the Board.

3 (c) Before execution, a contract for a capital expenditure in connection with a  
4 State correctional facility shall be:

5 (1) reviewed by the Secretary of Public Safety and Correctional Services;  
6 and

7 (2) except as provided in § 12-203 of this subtitle, after that review,  
8 approved by the Board.

9 (d) Before execution, a contract for a capital expenditure in connection with  
10 the University System of Maryland shall be:

11 (1) subject to the provisions of Title 4, Subtitle 4 of this article;

12 (2) approved by the Board of Regents of the University System of  
13 Maryland; and

14 (3) approved by the Board of Public Works.

15 (e) Before execution, a contract for a capital expenditure in connection with  
16 St. Mary's College of Maryland shall be:

17 (1) subject to the provisions of Title 4, Subtitle 4 of this article;

18 (2) approved by the Board of Trustees of St. Mary's College of Maryland;  
19 and

20 (3) approved by the Board of Public Works.

21 (F) BEFORE EXECUTION, A CONTRACT FOR A CAPITAL EXPENDITURE IN  
22 CONNECTION WITH MORGAN STATE UNIVERSITY SHALL BE:

23 (1) SUBJECT TO THE PROVISIONS OF TITLE 4, SUBTITLE 4 OF THIS  
24 ARTICLE;

25 (2) APPROVED BY THE BOARD OF REGENTS OF MORGAN STATE  
26 UNIVERSITY; AND

27 (3) APPROVED BY THE BOARD OF PUBLIC WORKS.

28 [(f)] (G) The Board shall supervise the expenditure of any money that the  
29 General Assembly appropriates for:

30 (1) buildings;

31 (2) equipment;

32 (3) new construction; or

1 (4) any other capital expenditure.

2 14-202.

3 (a) This subtitle applies to procurement of supplies, services, and construction  
4 related services by:

5 (1) the Department of General Services;

6 (2) the Department of Transportation;

7 (3) the University System of Maryland; [and]

8 (4) MORGAN STATE UNIVERSITY; AND

9 (5) as provided in subsection (b) of this section, the Department of Public  
10 Safety and Correctional Services in connection with construction of a State  
11 correctional facility under § 12-107 of this article.

12 SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the  
13 Annotated Code, in consultation with and subject to the approval of the Department  
14 of Legislative Services, shall correct all references to the Board of Regents of Morgan  
15 State University and Morgan State University, respectively, within Title 14, Subtitle  
16 1 of the Education Article of the Annotated Code to be the Board of Regents and the  
17 University, respectively.

18 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take  
19 effect July 1, 2004.